

ATTACHMENT 4

AFRO-ASIAN LAWYERS CONFERENCE RESOLUTIONS ADOPTED
AT THE FINAL CONFERENCE MEETING 11 NOVEMBER 1957

(Damascus, in Arabic to Syria and the Near East, Nov. 12, 1957)

The resolutions recommended by the committee of the Afro-Asian Lawyers Conference and submitted to the general assembly of the conference.

1. Nationalization in the light of international law.
2. Imperialism:
 - a. the right of the peoples to self-determination,
 - b. military pacts and bases;
 - c. treaties between unequal parties (muahadat ghayru mutakafiah);
 - d. problems of Algeria, Vietnam, Cyprus, the Cameroons, and Korea.
3. Public liberties and natural rights.
4. Aggression and its legal consequences.
5. World peace and nuclear explosions.

A draft proposal regarding the recommendations adopted by the nationalization committee in the light of international law, at its meeting on Nov. 8, 1957, which were submitted to the Afro-Asian Lawyers Conference by its General Assembly for the adoption of a resolution on them:

1. The conference declares that nationalization is a legitimate means for bolstering national economy

and is an accepted right of the state, in accordance with the principle of national sovereignty and public interest.

2. The conference asserts that the nationalization of any project within the territory of the state, whether national or foreign, will lead to nullifying the legal status of the nationalized project and its replacement by the legal status of the new project.
3. The conference asserts that by virtue of the recognized right of the state to nationalize all projects within its territory, such nationalization puts an end to the assets of the nationalized project both inside the state and outside it.
4. The conference considers that the Asian and African continents are among the most important parts of the world subject to the application of the principles of nationalization, and the form in which Egypt nationalized the Suez Canal company, and the measures followed in the implementation of this nationalization, is a true application of these principles. The conference considers the nationalized Suez Canal Company as a company with Egyptian nationality and any legislation or measure taken by any foreign power to change this fact is null and void.

The second committee dealing with imperialism--a draft general resolution about the rights of the peoples to self-determination.

Whereas the right of the peoples for self-determination is a natural acquired right (haq tabii wa wadii), recognized in law and

covering both time and place; whereas this right is considered in reality to be the result of a long historical development for which the peoples paid highly; whereas it is contained in an international context, namely, the U. N. Charter which was signed by all members of the United Nations; whereas this right gives every people the power to administer its own affairs in full freedom, sovereignty, and without any pressure; whereas this right means that the fate of any country should be determined by the will of that country alone; whereas this right and all its requirements have not yet been fully applied as desired; whereas the imperialist system constitutes a full denial of this right; whereas imperialism in its nature is, in addition to all this, a crime in itself and a source of crimes such as wars, massacres, tortures, attempts to destroy nationalism, and to eliminate the national status of some peoples;

Whereas the principle of the application of the rights of the peoples to self-determination and the respect of this right would insure peace of mind in the world and establish peace; whereas many countries have not been able up to now to exercise their right to self-determination; whereas the right of the peoples to self-determination is a basic right in its nature and resort of the peoples to force for the defense of this right is considered a legitimate right;

For all this, the Afro-Asian Lawyers Conference, which was held in Damascus Nov. 7-10, 1957, and which is faithful to the general principles of right and justice and the spirit of the Bandung conference, asserts once more its belief in the right of the peoples for self-determination as a permanent and all-embracing right; demands the immediate application of this right without any limits or restrictions on all the peoples so far deprived of it; denounces the imperialist system in its capacity as a crime and as a permanent aggression on the peoples and individuals; asks the United Nations, in its capacity

as a vigilant guardian over its Charter and over the right of the people to self-determination, to insure at all times the application of this right and its respect throughout the world; and appeals to the member states in the Bandung conference in particular to support this right and to enforce respect for it.

Draft resolution submitted by the Iraqi delegation in regard to the question of military alliances and bases:

Whereas the military alliances and foreign bases which seek aggression constitute a threat to world peace; whereas article 51 of the U. N. Charter, though allowing the conclusion of bilateral regional alliances, stipulates that these alliances should be subjected to the letter and spirit of the charter; whereas the aforementioned military alliances and bases mean on the other hand the domination by the stronger party in the alliance of the weaker party; whereas the U. N. Charter obliges the signatory states to give preference to its principles over their commitments in their alliances and pacts, the conference decides:

1. The aggressive alliances such as the Baghdad Pact, NATO, and SEATO constitute a threat to world peace by the aggressive groupings and military bases which emanate from them or from the treaties concluded between unequal parties which aim at launching armed aggression on other countries.
2. The United Nations should be asked to fulfill its responsibilities for the establishment of peace by including the question of military alliances and bases on its agenda with the purpose of saving the world from the dangers of these groupings.

The second committee dealing with imperialism: A draft resolution submitted by the Iraqi delegation on the question of treaties between unequal parties:

Whereas some states have concluded treaties in which the parties are unequal and which were imposed by a strong power on a weaker power; whereas such treaties have led to detraction from the sovereignty of the weaker state on its own territory and to the great lack of equality between the commitments imposed on both sides by such treaties; whereas the basic rights of the peoples to sovereignty, independence, and equality constitute rights that cannot be yielded or confiscated; whereas the peoples of these weak powers were never consulted in regard to the conclusion of such treaties, the conference decides:

1. Treaties concluded between unequal parties constitute a flagrant violation of the U. N. Charter because they are based on lack of equality between the commitments of both parties, which causes the peoples who see their rights and interests defeated in these treaties to develop a feeling of anger and hatred, which leads to a threat to world peace.
2. It is the right of the states which concluded such treaties to free themselves from them by declaring their abrogation
3. Treaties concluded in this way between the Arab amirates and Britain, and the treaty concluded between Britain and Iraq which emanates from the Baghdad Pact, the Libyan-American treaty--all these treaties are considered treaties concluded between unequal parties in view of the circumstances which surrounded their conclusion

and in view of the noticeable lack of equality between the two parties' commitments under them, and it is the right of these states to declare their abrogation and to free themselves from their commitments under them.

Draft resolution on the recommendation adopted by the positive neutrality committee in its meeting of Nov. 8, 1967, and submitted to the General Assembly of the Afro-Asian Lawyers Conference for the adoption of a decision regarding it:

The Afro-Asian Lawyers Conference which was held in Damascus has adopted the following resolutions:

1. Positive neutrality, which means absolute nonalignment with any of the rival blocs in the (world?), is one of the new general international principles. It fully complies with the spirit of the U.N. Charter and its true aims.
2. Positive neutrality supports world peace and eases international tension, because the countries pursuing it denounce foreign military alliances and bases and, on the contrary, are for the establishment of accord among the rival powers, as has been proved actually by international events of today.
3. Positive neutrality is a true expression of the freedom and dignity of the peoples, of their supreme right to liberation from domination, influence, and foreign interference of any kind, and of their right to seek true justice in disputes among the states.

4. Positive neutrality does not conflict with the duty of every power to help other powers and peoples to liberate themselves from the yoke of imperialism and to attain their right of self-determination.
5. Positive neutrality calls for peaceful coexistence. The countries pursuing a policy of positive neutrality do not harbor any aggressive intentions toward any peaceful people. This principle of positive neutrality can be implemented by economic and cultural cooperation which is not restricted by any conditions limiting the independence and sovereignty of the state, as long as as the cooperation seeks the progress of humanity, the prosperity of the peoples, and the establishment of peace in the world.

In view of these principles, the Afro-Asian Lawyers Conference supports the policy of positive neutrality and appeals to all peoples and powers in the world to respect this principle.

The resolution connected with the Algerian question: Whereas the Algerian people, who are rallying around the national liberation front, have been fighting for over three years for the sake of their national independence; whereas a state of war exists in Algeria; whereas this state of war is the result of the annexation of Algeria to France through aggression and the establishment of an imperialist rule in it with all that such rule stands for; whereas the Algerian people demand the exercise of their legitimate rights under a resolution adopted by the United Nations;

Whereas the U. N. General Assembly has exercised its jurisdiction, discussed the Algerian question in its sessions of 1956 and

1957, and recommended that efforts should be made for the attainment of a just, democratic, and peaceful solution complying with the desire of the United Nations; whereas such a solution can only be achieved by the granting of independence to Algeria, whereas France has followed an opposite course and thus has increased its military efforts in Algeria; whereas the present session of the U.N. General Assembly will have to face the Algerian problem soon again:

The conference of Afro-Asian Lawyers which is being held in Damascus Nov. 7-16, 1957, and which deals with matters of right and justice in the spirit of the Bandung conference, expresses its complete solidarity with the Algerian people in their legitimate struggle for the sake of national liberation and declares that the only solution for the Algerian problem cannot be anything else but France's immediate recognition of Algeria's independence followed by the opening of negotiations between France and the Algerian national liberation front. The conference decides to inform the present session of the United Nations, which is true to its charter, that it will recommend the solution which will satisfy the interests of the Algerian people, namely, independence for Algeria.

Draft solution connected with Cyprus: "Whereas the Cyprus people, who do not enjoy self-government, have been fighting for over 78 years for liberation from the British yoke; whereas the Cyprus people have, since 1954, been appealing to the United Nations every year to adopt a resolution calling for the application of the principle of self-determination in Cyprus in accordance with the United Nations;

Whereas the United Nations every year since 1954 has been postponing the adoption of a just resolution in regard to the Cyprus question, while the imperialist authorities which rule the island

have violated the aforementioned principle of self-determination and the human rights declaration and have exercised acts of pressure and suppression by directing the armed forces to work against the Greek people in the island by deportation, torture, pursuit of the patriots, the imprisonment of thousands without trial, and attacks against the citizens and other atrocities with the purpose of forcing them to accept an imperialist constitution under the British Crown; whereas all these actions are contrary to justice:

The Afro-Asian Lawyers Conference, held in Damascus between Nov. 7-10, 1957, declares its solidarity with the people of Cyprus, denounces the acts of torture committed by the imperialist authorities against the strugglers for the liberation of Cyprus in accordance with the clear principles of the natural rights-- (liberation--Ed.) serves the cause of peace in the Mediterranean and the Middle East--and declares that the immediate application of the right of self-determination in Cyprus is the only solution for its problem.

The Afro-Asian Lawyers Conference also demands that the United Nations respond to the demand of Cyprus, which is still pending and unsettled, and apply--without any further delay or postponement, or any restriction or condition--the principle of self-determination to the people of Cyprus; and maintains that if the United Nations fails to apply this principle, the people of Cyprus will have the right to fight imperialism by the force of arms.

Resolution connected with the Cameroons: After being acquainted with the present political situation in the Cameroons, which constitutes a flagrant violation of the provisions of international law in general and the right of the Cameroon people to self-determination in particular; whereas this country is under the trusteeship

of the United Nations; whereas the Charter of the United Nations, specifically article 96 B, provides that the main aim of the trusteeship system is independence;

Whereas Germany's treaty with the Cameroons, concluded on (July?) 14, 1884, which is recognized by France and Britain, approves of the principle of sovereignty and unity for the Cameroons; whereas the Treaty of Versailles, which called for the partition of the Cameroons, was contrary to the provisions of the aforementioned agreement between Germany and the Cameroons on the ground that it was a one-sided declaration and unjust one; whereas article one, paragraph two, and article 55 of the U.N. Charter establish the right of peoples and nations to determine their fate freely and without any other consideration;

Whereas article 76, paragraph B, of the U.N. Charter states in regard to the countries under trusteeship that the freely declared aspirations of the peoples concerned should be taken into consideration; Whereas the U.N. General Assembly depended on the views freely expressed by the people of the Cameroons in adopting, by an overwhelming majority, a resolution dated Feb. 26 1956, calling on France and Britain to grant independence to the Cameroons at an early date; whereas despite the provisions of article one of the U.N. Charter, which calls for the preservation of world peace and security by the settlement of problems by peaceful means, France has, since May 1955, been killing the people of the Cameroons, who possess no means of defense; whereas Britain for its part has violated the human rights declaration by treading on public liberties and by deporting patriotic citizens of the Cameroons;

The Afro-Asian Lawyers Conference held in Damascus Nov. 7-10, 1957, hopes that the present session of the U.N. General

Assembly will take into consideration the legitimate desires freely expressed by the Cameroon people and adopt a decisive resolution calling for the (liberation?) and independence of the Cameroons. The conference also expresses its solidarity with the Cameroon people's struggle.

Draft resolution in regard to the Korean problem. Whereas the American command in South Korea declared on June 21, 1957, that it unilaterally abrogated article 13, paragraph D, of the armistice agreement, which provides that the two belligerent sides pledged not to bring into Korea any new modern weapons, and in view of the information provided by the delegates of North Korea to the effect that the American command began to bring into South Korea atomic and hydrogen weapons which were not used in Korea during the fighting:

The Afro-Asian Lawyers Conference declares that the violation of the aforementioned article 13 constitutes a flagrant violation of the general principles of international law and in particular the principles calling for abiding by pledges, as well as an interference in the internal affairs of the other countries. On the other hand, the Afro-Asian Lawyers Conference declares that this violation and the bringing of new weapons to South Korea constitute a great danger and a threat to world peace. The conference demands the observing and implementing of the provisions of the full Korean armistice agreement.

Draft resolution submitted by the Vietnamese delegation. The Afro-Asian Lawyers Conference has taken cognizance of the report submitted by the Vietnamese Bar Association about the application of the Geneva agreement of 1954 on Vietnam. The conference notes that the Geneva agreement of 1954 ended the Indochinese war on the

basis of the recognition of the national rights of the Indochinese war peoples and that it seeks to create a permanent and stable peace in Indochina and in Southeast Asia. The Geneva agreement complies with the legal principles of peaceful coexistence, with national law, and with the U. N. Charter.

The Government of Democratic Vietnam has carried out fully and sincerely the Geneva agreement while the authorities of South Vietnam have been regularly hindering the implementation of the Geneva agreement. Contrary to article 14 C of the Geneva agreement, South Vietnam is persisting in its organized reprisal activities against the former members of the resistance force and against all patriotic and peace-loving Vietnamese. The authorities of South Vietnam have so far gone to the extent of refusing to cooperate with the U. N. observation committee in Vietnam for the carrying out of article 14 C, as can be seen from a report submitted by the U. N. truce observation committee to the head of the conference of Geneva.

The authorities of South Vietnam, contrary to the Geneva agreement, have been importing new weapons and military equipment as well as bringing in foreign military officials, has been building foreign military bases in South Vietnam, and has actually been taking part in the aggressive military alliance of Southeast Asia, which was denounced by the Afro-Asian Lawyers Conference in Calcutta in 1955 on the grounds that it was an instrument for the destruction of the Geneva agreement.

The deliberate refusal of the authorities of South Vietnam to hold a consultative conference between South and North Vietnam for discussion of the question of holding of free general elections with the purpose of unifying Vietnam in accordance with the Geneva agreement contradicts the principles of the United Nations. The

growing American intervention in Vietnam seeks to hinder the implementation of the Geneva agreement, (few words indistinct) to transform South Vietnam into an American military base, and to prepare for a new war in Indochina. For these reasons, the Afro-Asian Lawyers Conference demands:

1. That an end be put to American intervention in South Vietnam.
2. The holding of the consultative conference, provided for by the Geneva agreement, for the holding of free general elections with the purpose of unifying Vietnam, and the resumption of normal relations between the two sides until the elections take place.
3. No entry of any military officials, new weapons, and equipment into South Vietnam, and on the establishment of new military bases there.
4. An end to the policy on terror and reprisal measures against former members of the resistance force who seek peace and unity and the implementation of the Geneva agreement.

The conference appeals to all member states represented here to persuade the heads of the Geneva conference and the competent authorities of the Geneva conference member states and the member states of the U.N. truce observation committee to put an end to the violation by South Vietnam of the Geneva agreement, and to demand the full implementation of the aforementioned agreement.

Migration and racial segregation: While considering that the

liberties provided for us in the U. N. Charter and supported by the International Declaration of Human Rights which was adopted by the U. N. General Assembly in 1948, and by the Bandung conference in 1955, constitute a vital necessity for all individuals without any differentiation, the Afro-Asian Lawyers Conference calls upon the governments on the one hand and the peoples on the other hand to insure the preservation of these liberties. The Afro-Asian Lawyers Conference calls in particular upon the lawyers in the various countries to insure the full application of these liberties.

While noting that these liberties have been seriously (dampened?) in some states, including some states that supported the International Declaration of Human Rights and the Bandung conference resolutions, the Afro-Asian Lawyers Conference denounces in particular the following illegitimate measures: the withdrawal of nationality from citizens, (two words indistinct); the various punishments including even capital punishment to which the citizens in such countries as Jordan, Iraq, Tunisia, Libya, and other countries are being exposed because of their struggle against imperialism and foreign interference; the policy of aggressive military pacts, and every form of oppression of people because of their religious beliefs or political views; racial segregation in all fields which still exists today in some countries, especially in the United States and South Africa; differentiation between the two sexes and in particular in social and political matters; atrocities committed by foreign troops stationed in some countries without the punishment of those committing the atrocities, such as in Algeria, South Korea, Japan, Formosa, Morocco, Tunisia, Libya, Palestine, Oman, the Arab amirates and sheikhdoms, Cyprus, and other places.

Flagrant violations of democratic rights and liberties by the authorities in South Vietnam, the prevention of all natural relations

and especially the right of free movement and correspondence between North and South Vietnam, the terroristic and reprisal measures as well as discrimination against organizations and groups which took part in the resistance war and against the peace-loving and unity-seeking patriotic Vietnamese, contrary to article 14 of the Geneva agreement, as well as unlimited detention without trial, concentration camps, and wholesale massacres.

The Afro-Asian Lawyers Conference calls upon the Afro-Asian and all peace-and freedom-loving peoples to publicly denounce these violations and to sympathize with the peoples who are made victims of these aggressions in their struggle for the destruction of these violations. In accordance with this, the Afro-Asian Lawyers Conference makes the following recommendations:

1. All states must recognize the basic rights contained in the U. N. Charter and supported by the International Declaration of Human Rights in a written constitutional form which is free of all kinds of discrimination.
2. This text should be published and distributed widely, and its application should be supervised by the peoples.
3. There should be effective constitutional and legal guarantees of this written recognition.
4. These principles and basic rights should actually be carried out, without any limitations not demanded by the interests of the people, and should be supervised by a legal authority independent of the other authorities.
5. In view of what is being done in some countries which

are still subject to direct or indirect foreign control and widescale and systematic violation of liberties and rights (words indistinct), the Afro-Asian Lawyers Conference appeals to the United Nations to put an end to the imperialist system and to declare at the beginning of the declaration on human rights the absolute right of self-determination of the peoples.

The committee dealing with aggression and its legal consequences has approved the following draft resolution:

Appreciating the importance of the precise definition of aggression for the sake of the implementation of the provisions of the U. N. Charter and international law in general, the Afro-Asian Lawyers Conference, meeting in its general assembly on Nov. 10, 1957, decides the following:

Definition of aggression:

- Art. 1. The term aggressor shall be applied to any state which takes the initiative in committing any of the following acts:
- a. The declaration of war against another state;
 - b. Invasion by armed forces even if not involving the declaration of war;
 - c. The bombardment of the territories of another state from the air, sea, or land;
 - d. The landing of armed forces from land, air, or sea inside the borders of another state, or the advance of such forces toward it (aw tawjih tilka alquwat ilayha) without prior permission of that state, or contrary to that state's permission as far as time and place are concerned;

- e. The blockading from the sea of the coasts and harbors of another state;
- f. The support of armed gangs formed in the territory of one state to attack the territory of another state, or the rejection of the measures demanded by the state against which the aggression is committed, which could be taken in the territory of the other state to prevent these gangs from gaining protection;
- g. Incitement by providing money and arms or similar material or by any other means, for the overthrow of the government of another state by the use of force;
- h. The incitement to, or the urging of, the waging of a civil war or attempt to change the political economic system of another state, or the organization of that state by the use of force;
- i. Plotting, directly or through agents, with one or more persons for the purpose of attaining the aims mentioned in the two previous paragraphs, G and H;
- j. The concentration of military troops or the staging of military demonstrations on or near the borders of another state with the purpose of forcing that state, by threats, to follow a course of action which it is not otherwise bound to follow;
- k. The exertion of economic pressure on another state for the purpose of threatening the basis of its economic life, or undermining its economic independence;
- l. The adoption of measures against another state

- with the purpose of preventing it from exploiting or insuring its wealth and resources.
- m. The imposition of an economic boycott on another state;
 - n. Spreading war propaganda;
 - o. Spreading propaganda on the use of atomic, biological, or chemical warfare or any other weapon of mass destruction;
 - p. The performance of any work or activity or any scientific test which would cause or could be expected to cause harm to other people, whether such activity or test is carried out within the territory of that state or outside it, or in distinct waters or high in the sky, as well as incitement to such acts;
 - q. The spreading of ideas of fascism and racism, of racial or sex segregation, of xenophobia, of violations of the basic rights of man, whether in regard to part of the state's citizens or (few words indistinct) residing in it--these basic rights which are stated in the Declaration on Human Rights and which were approved by the U. N. General Assembly on Dec. 10, 1948--whether through legislation, courts or administrative acts.

Art. 2. Every act not included in the previous article can be considered as constituting aggression when the Security Council decides to consider it a military, economic, ideological, or indirect aggression.

Art. 3. Every act to which the foregoing definition of

aggression can be applied, and which cannot be justified by any strategic, political, or economic necessity or by the claim that the state on whom the aggression falls lacks the (characteristics?) of a state or on any other grounds.

Art 4. In case of mobilization of military concentrations by any state on the borders of another state, the state threatened by such mobilization or concentrations has the right to take all the necessary diplomatic measures or to use any other means to insure the peaceful settlement of the dispute. At the same time, that state has the right to take all military measures mentioned above, with the exception of crossing of borders.

Art 5. The conference undertakes to publish the aforementioned decisions in all the nations of the world so that they may take the necessary steps to make these decisions part of international law. In particular, the conference decides to submit these decisions to the international legal committee, the U.N. secretariat, and the other committees of the United Nations which have the power to discuss the definition of aggression.

Art. 6. The conference decides that every aggression or attempt at aggression lays full responsibility upon the shoulders of the state committing the aggression or advocating it. The conference asserts that the United Nations has to apply the general principles on responsibility, as provided in international law, against the state responsible

for the aggression.

The Afro-Asian Lawyers Conference asserts that the support by any state of the state against whom aggression is committed is a legitimate act which is in accord with legal principles.

The Palestinian refugees: The conference asserts that the Palestine question was created and made more complicated by imperialist intrigues, and has resulted in indescribable misery and pain for a large number of people who were expelled from their homeland.

The conference asserts the urgent need to adopt measures to improve the conditions of these refugees and to repatriate them to their original homeland, and to halt the migration to Palestine. Whereas the consequences of aggression in all its various forms are matters worthy of urgent and comprehensive study, the Afro-Asian conference decided to form a subcommittee consisting of the delegates of the Soviet Union, India, Egypt, Syria, Iraq, and Jordan to carry out this study and report the finding of its study to the next conference.